

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

SCOTT MATTHEW SIMMONS, and
SCOTT LEE MEYER,

Defendants.

4:22CR3116

ORDER

Defendants continue to review the voluminous discovery in this case, and the government is still accumulating downloads from seized devices. A pretrial motion deadline can now be set provided it affords the parties 90 additional days to collect and review the discovery. Based on the parties' representations,

IT IS ORDERED:

- 1) As to both defendants, pretrial motions and briefs shall be filed on or before February 23, 2023.
- 2) As to both defendants, the trial of this case is continued pending further order of the court.
- 3) A telephonic conference with counsel will be held before the undersigned magistrate judge at 10:30 a.m. on March 2, 2023 to discuss setting any pretrial motion hearing needed, a change of plea hearing, or the date of the jury trial and deadlines for disclosing experts as required under Rule 16. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial, and as to both defendants, the additional time arising as a result of the granting of the motion, the time between today's date and March 2, 2023 shall be deemed excludable time in any

computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 29th day of November, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge